IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Crl.MC.No. 2045 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.2052/2007 Dated 04/04/2007

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PETITIONER: ACCUSED:

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1. GIREESHKUMAR ALIAS SALI, SON OF GOPI,
   PADANNAVALAPPIL HOUSE, THEKKUMKUTTOOR AMSOM,
   PULLOOR DESOM, TIRUR.

2. BALAKRISHNAN ALIAS BABU, S/O. KORAN,
   PADOMJAREPURAYIL HOUSE, THRIKKANDIYUR AMSOM,
   MUTHOOR DESOM.

3. GIRIKUMAR ALIAS GIREESH, S/O.ARUMUGHAN,
   CHEMBANCHERI HOUSE, THRIKKANDIYUR AMSOM,
   MUTHOOR DESOM.

4. SUBHASHKUMAR ALIAS SATHEESAN, S/O.KUNHAN
   MANADI HOUSE, THRIKKANDIYUR AMSOM, MUTHOOR DESOM.

BY ADV. SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)

RESPONDENTS:

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1. THE STATE OF KERALA
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM THROUGH THE
   SUB INSPECTOR OF POLICE, TIRUR.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
   TIRUR.

BY PUBLIC PROSECUTOR SRI.M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. NO. 2045 OF 2007

Dated this the 3rd day of July, 2007

ORDER

The petitioners face allegations, inter alia, under Secs.302 and 153-A read with Secs.120-B and 149 of the IPC. The alleged incident took place on 30/1/07. There was allegedly a clash between the R.S.S. workers and N.D.F. workers. One victim had succumbed to his injuries also. That incident took place on 30/1/07. The petitioners were arrested on 11/2/07 and were enlarged on bail as per the order dated 4/4/07. Bail was granted subject to conditions. Inter alia, it was directed that the petitioners must report before the City Police Commissioner, Kozhikode, between 9 a.m. and 11 a.m. on all Wednesdays and that they should not enter the limits of Malappuram District until further orders. It is prayed that the said conditions may now be deleted.

2. The learned Public Prosecutor stoutly opposes the prayer. He submits that the law and order situation in the locality is precarious and permitting the petitioners to be present in the Malappuram District would trigger off other similar untoward incidents. In these circumstances, the learned Public Prosecutor prays that, at any rate, the conditions imposed may not be altered or modified now. However, the learned Public Prosecutor submits that the State has no objection in modifying Condition No.1.

3. I have considered all the relevant inputs. I am satisfied, in the facts and circumstances of this case, that Condition No.1 can be modified and it can be directed that the petitioners need hereafter appear before the City Police Commissioner, Kozhikode, on the first and third Wednesdays of all English calendar months between 9 a.m. and 11 a.m. Condition No.2 shall continue to remain in force until further orders. But I direct that the petitioners shall be at liberty to move this Court for modification of the conditions again at a later stage – not, at

any rate, prior to 6/8/07.

4. This petition is accordingly allowed in part to the above extent.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge